



# Ten Commandments on Public Property Scenario

STONE V. GRAHAM (1980)

**Directions:** Read the scenario below and respond to the prompt on the next page.

*Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof...*

## Background:

In 1980, the Kentucky legislature required that all elementary school classrooms display a plaque with the Ten Commandments. The plaques would be paid for by private donors and include the message: “the secular [non-religious] application of the Ten Commandments is clearly seen in its adoption as the fundamental [basic] legal code of Western Civilization and the Common Law of the United States.” Sydell Stone and a group of parents challenged the law, arguing that making schools show the Ten Commandments in public school classrooms violated the Establishment Clause of the First Amendment.

## Question:

Did the Kentucky Law violate the First Amendment’s Establishment Clause?

## Supreme Court Majority Opinion:

The Supreme Court ruled that this policy violated the Establishment Clause of the First Amendment. The opinion stated that the Ten Commandments had “no secular legislative purpose... The pre-eminent [main] purpose for posting the Ten Commandments... is plainly religious in nature.” The opinion argued that it would be lawful if the Ten Commandments were taught as part of a school’s history lessons.

## Supreme Court Dissent:

The dissenting opinion by Justice Rehnquist said that states should be able to decide what they considered secular (non-religious). Rehnquist argued that if the state legislature and the state courts both found the Ten Commandments plaque to be secular then it should be respected by higher courts. Rehnquist stated that the Ten Commandments have had a large role in the development of current laws in the Western world, and, therefore, posting them in a public building did not violate the Establishment Clause.

